

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

NICHOLE LEIB, KEVIN  
BROKENSHERE, and DIANE  
WEIGLEY, individually and on behalf  
of all other similarly situated,

Plaintiffs,

v.

GEISINGER HEALTH and  
EVANGELICAL COMMUNITY  
HOSPITAL,

Defendants.

Case No. 4:21-cv-00196-MWB  
Judge Matthew W. Brann

**JOINT MOTION TO ADJUST/SET CASE DEADLINES**

Plaintiffs Nichole Leib, Kevin Brokenshire, and Diane Weigley  
("Plaintiffs") and Defendants Geisinger Health and Evangelical Community  
Hospital ("Defendants") (together, the "Parties"), hereby move to adjust deadlines  
and set the following schedule concerning the above-captioned action:

1. The above captioned matter, *Leib, et al. v. Geisinger Health, et al.*,  
Case No. 4:21-cv-00196-MWB ("Leib Action"), was filed on February 3, 2021. A  
second action, *Sauer v. Geisinger Health, et al.*, Case No. 4:21-cv-00263-MWB  
("Sauer Action"), was filed on February 12, 2021 (collectively, the "Actions").

2. Plaintiffs and Defendants in the Leib and Sauer Actions have conferred and agree that the Actions are related and well-suited to proceeding on a consolidated basis.

3. Plaintiffs intend to file one or more motions requesting consolidation of the Actions under Fed. R. Civ. P. 42(a) and appointment of interim lead class counsel under Fed. R. Civ. P. 23(g) so that the litigation may proceed in an orderly and efficient fashion.

4. The Parties agree that if the Court orders the Actions consolidated, Plaintiffs should file a consolidated complaint to govern the Actions and any later-filed actions (if any) based on substantially the same facts and asserting substantially the same legal claims.

5. The Parties further agree that it would be more orderly and efficient to extend the default times for Defendants to respond to the complaints in the Actions until a reasonable interval after the filing of a consolidated complaint.

6. The Parties therefore respectfully request that the Court modify deadlines in the above-captioned matter, as follows:

- a. Within five (5) days of the Court entering an Order granting this motion, Plaintiffs will file a motion seeking: (i) under Fed. R. Civ. P. 42(a) to consolidate the Actions, and (ii) under Fed. R. Civ. P. 23(g) to appoint interim lead class counsel for the consolidated case;

- b. If the Court enters an Order consolidating this case, Plaintiffs will file a single consolidated class action complaint within seven (7) days of the Order's entry;
- c. Within sixty (60) days of Plaintiffs' filing of the consolidated class action complaint, Defendants shall answer or otherwise move under Fed. R. Civ. P. 12;
- d. If, instead of answering, Defendants file a motion under Fed. R. Civ. P. 12, Plaintiffs' opposition to such motion shall be due forty-two (42) days from the date of Defendants' motion, and Defendants' reply in support of such motion shall be due twenty-one (21) days from the date of Plaintiffs' opposition.

WHEREFORE, the Parties jointly request that the Court modify the operative deadlines as outlined above.

Dated: February 25, 2021

Respectfully submitted,

/s/ Shanon Jude Carson

---

Shanon Jude Carson (PA Bar No. 85957)

Eric L. Cramer (*Pro Hac Vice*)

Mark R. Suter (*Pro Hac Vice*)

BERGER MONTAGUE PC

1818 Market Street

Suite 3600

Philadelphia, PA 19103

Phone: (215) 875-4604

Fax: (215) 875-5707

scarson@bm.net

ecramer@bm.net

msuter@bm.net

Daniel J. Walker (*Pro Hac Vice*)

BERGER MONTAGUE PC

2001 Pennsylvania Avenue, NW

Suite 300

Washington, DC 20006

Phone: (202) 559-9745

Fax: (215) 875-5707

dwalker@bm.net

Adam J. Zapala (*Pro Hac Vice*)

Elizabeth T. Castillo (*Pro Hac Vice*)

James G. Dallal (*Pro Hac Vice*)

Tamarah P. Prevost (*Pro Hac Vice*)

COTCHETT, PITRE & McCARTHY, LLP

840 Malcolm Road

Burlingame, CA 94010

Phone: (650) 697-6000

Fax: (650) 697-0577

azapala@cpmlegal.com

ecastillo@cpmlegal.com

jdallal@cpmlegal.com

tprevost@cpmlegal.com

Alexander E. Barnett (*Pro Hac Vice*)  
COTCHETT, PITRE & McCARTHY, LLP  
40 Worth Street, 10th Floor  
New York, NY 10013  
Phone: (212) 201-6820  
abarnett@cpmlegal.com

*Attorneys for Plaintiffs Nichole Leib,  
Kevin Brokenshire, and Diane Weigley*

/s/ Chahira Solh

---

Chahira Solh (*Pro Hac Vice*)  
CROWELL & MORING LLP  
3 Park Plaza  
Ste. 20th Floor  
Irvine, CA 92614-8505  
Phone: (949) 798-1367  
Fax: (949) 263-8414  
csolh@crowell.com

Stefan M. Meisner (*Pro Hac Vice*)  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue NW  
Washington, DC 20004  
Phone: (202) 624-2500  
Fax: (202) 628-5118  
smeisner@crowell.com

Daniel T. Brier (PA Bar No. 53248)  
Donna A. Walsh (PA Bar No. 74833)  
Richard L. Armezzani (PA Bar No. 322804)  
MYERS BRIER & KELLY LLP  
425 Spruce Street  
Suite 200  
Scranton, PA 18503  
Phone: (570) 342-6100  
dbrier@mbklaw.com  
dwalsh@mbklaw.com  
rarmezzani@mbklaw.com

*Attorneys for Defendant Geisinger Health*

/s/ Norman Armstrong, Jr.

---

Norman Armstrong, Jr. (*Pro Hac Vice*)

Christopher Yook (*Pro Hac Vice*)

KING & SPALDING

1700 Pennsylvania Avenue

Washington, DC 20006

Phone: (202) 626-8979

narmstrong@kslaw.com

cyook@kslaw.com

Carol A. Steinour Young (PA Bar No. 55969)

Devin J. Chwastyk (PA Bar No. 91852)

MCNEES WALLACE & NURICK LLC

100 Pine Street

P.O. Box 1166

Harrisburg, PA 17108-1166

Phone: (717) 232-8000

Fax: (717) 237-5300

csteinour@mcneeslaw.com

dchwastyk@mcneeslaw.com

*Attorneys for Defendant Evangelical  
Community Hospital*